

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4869

IN THE MATTER OF:

Served June 10, 1996

Application of FRANK WARNER,           )  
Trading as F&C TRANSPORTATION       )  
SERVICES, for Temporary Authority    )  
-- Irregular Route Operations        )

Case No. AP-96-24

By application accepted for filing May 3, 1996, Frank Warner, a sole proprietor trading as F&C Transportation Services, seeks temporary authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Applicant also has applied for a certificate of authority in Case No. AP-96-25.

Notice of this application was served on May 10, 1996, in Order No. 4837. The application is unopposed.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, applicant's facilities, proposed tariff, finances, and regulatory compliance record.

Applicant proposes commencing operations with one van. Applicant's proposed tariff contains per capita rates, including rates for transportation under the DC Medicaid program.

Applicant filed a statement of financial condition as of March 31, 1996, showing assets of \$179,900; liabilities of \$89,384; and net worth of \$90,516. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income of \$7,000; WMATC operating expenses of \$6,300; and net income of \$700.

Applicant certifies he has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire. Applicant further certifies that neither applicant nor any person controlling, controlled by, or under common control with applicant has any control relationship with a carrier other than applicant.

The application is supported by three affidavits. Two attest to an immediate need for transportation of disabled passengers to and from hospitals and clinics. One attests to an immediate need for transportation of disabled passengers to and from hospitals, schools, physical therapy providers and recreation areas.

## DISCUSSION AND CONCLUSION

This case is governed by the Compact, Title II, Article XI, Section 13(a), which provides:

When the Commission finds that there is an immediate need for service that is not available, the Commission may grant temporary authority for that service without a hearing or other proceeding up to a maximum of 180 consecutive days, unless suspended or revoked for good cause.

Under Regulation No. 54-06(a), a temporary authority applicant must demonstrate fitness.

Based on the evidence in this record, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission further finds that applicant has demonstrated an immediate need for transportation of disabled passengers to and from hospitals, clinics, schools, physical therapy providers and recreation areas. The absence of any protest from an authorized carrier establishes that such service is unavailable.<sup>1</sup>

THEREFORE, IT IS ORDERED:

1. That Frank Warner, trading as F&C Transportation Services, 7915 Hart Road, Fort Washington, MD 20744, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, a maximum of 180 days temporary authority to transport disabled passengers to and from hospitals, clinics, schools, physical therapy providers and recreation areas, in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of temporary tariff no. AP-96-24; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of temporary identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. AP-96-24 is hereby assigned.

---

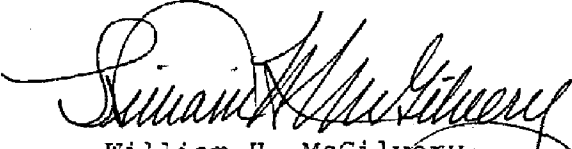
<sup>1</sup> In re D&R Enters., No. AP-94-31, Order No. 4358 (Aug. 4, 1994).

3. That upon applicant's timely compliance with the requirements of the preceding paragraph and staff's acceptance of the documents required by the Commission, the Executive Director shall notify applicant, in writing, that he may commence temporary operations pursuant to this order.

4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until written notice has been issued in accordance with the preceding paragraph.

5. That unless applicant complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of temporary authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER AND LIGON:



William H. McGilvery  
Executive Director

